

Via Hand Delivery

October 18, 2006

Lawrence H. Norton, Esquire General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

Re: Complaint

Dear Mr. Norton:

Enclosed please find an original and three copies of my Complaint alleging that Friends of Harry Reid, U.S. Senator Harry Reid, Cliff Beadle, Maile Reid and/or Holly Giarraputo have violated various provisions of the Federal Election Campaign Act relating to the conversion of campaign funds to personal use and false reporting.

Pursuant to the applicable filing requirements, the Complaint is sworn to and my signature thereon has been notarized.

Sincerely

Michael Boos
Vice President &
General Counsel

MUR# 5848

Enclosures

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

Friends of Harry Reid, U.S. Senator Harry Reid, Cliff Beadle, Maile Reid, and Holly Giarraputo,

RESPONDENTS.

MUR NO.

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COMPLAINT

Pursuant to 11 CFR § 111.4, the undersigned hereby files this Complaint with the Federal Election Commission ("Commission"), alleging as follows:

SUMMARY OF ALLEGATIONS

On information and belief, the undersigned alleges that Friends of Harry Reid, Harry Reid, Cliff Beadle, Maile Reid and/or Holly Giarraputo have violated The Federal Election Campaign Act (FECA) by (1) converting campaign funds to the personal use of Harry Reid, a United States Senator from the State of Nevada, and (2) misreporting the disbursements as legitimate campaign expenditures on the End of Year Reports filed with the Federal Election Commission ("Commission") for 2002, 2004 and 2005. More specifically it is alleged that during 2002, 2004 and 2005, Friends of Harry Reid made payments totally \$3,300 for Christmas bonuses for the support staff at the Ritz-Carlton in Washington. DC, where Senator Reid maintains his personal residence. Although reported as legitimate campaign-related disbursements, these payments were, in reality, unlawful conversions of campaign funds for personal use by Senator Reid.

FACTUAL ALLEGATIONS

On Information and belief, it is alleged as follows:

Respondents

- 1. At all times relevant hereto, Friends of Harry Reid (at times referred to as "the committee") has been the principal campaign committee of U.S. Senator Harry Reid, a Democrat from the State of Nevada.
- 2. At all times relevant hereto, Harry Reid has been a United States Senator from the State of Nevada, and he has maintained a residence at the Ritz-Carlton in Washington, DC.
- 3. At all times relevant hereto, Cliff Beadle has been the Treasurer of Friends of Harry Reid. As Treasurer of Friends of Harry Reid, Mr. Beadle is the individual primarily responsible for administering the financial affairs of the committee, and ensuring the accuracy of all reports filed with the Commission by the committee. See 2 U.S.C. § 432(a)-(d) and 2 U.S.C. § 434(a).
- 4. On or about January 31, 2003, Maile Reid served as the Assistant
 Treasurer of Friends of Harry Reid. As authorized by 11 CFR § 102.7(a), Ms. Reid, in
 her capacity as Assistant Treasurer, signed the 2002 End of Year Report for the
 committee, certifying the accuracy of the information contained therein.
- 5. Since at least November 24, 2003, Holly Giarraputo has served as the Assistant Treasurer of Friends of Harry Reid. As authorized by 11 CFR § 102.7(a), Ms. Giarraputo signed the 2003 and 2005 End of Year Reports for the committee, certifying the accuracy of the information contained therein.

Activities Giving Rise To Alleged FECA Violations

6. According to a news report by John Solomon of the Associated Press,¹
"Senate Democratic leader Harry Reid has been using campaign donations instead of his personal money to pay Christmas bonuses for the support staff at the Ritz-Carlton where he lives in an upscale condominium." The report states:

Reid gave \$600 in 2002, then \$1,200 in 2004 and \$1500 in 2005 from his re-election campaign to an entity listed as the REC Employee Holiday Fund. His campaign listed the expenses as campaign "salary" for two of the years and as a "contribution" one year."

The report further elaborates:

Residents and workers at the Ritz said the fund's full name is the Residents Executive Committee Holiday Fund and that it collects money each year form the condominium residents to help provide Christmas gifts, bonuses and a party for the support staff.

- 7 The Year-End Reports filed by Friends of Harry Reid for 2002, 2004 and 2005 confirm the payments referenced in the Associated Press Report:
 - Schedule B of the committee's 2002 Year-End Report shows a payment of \$600 to REC Employee Holiday Fund on November 19, 2002, which was reported a "contributions,"²
 - Schedule B of the committee's 2004 Year-End Report shows a payment of \$1,200 to REC Employee Holiday Fund on November 30, 2004, which was reported as "salary," and

¹ Exhibit "A" attached hereto is a true and genuine copy of a news report appearing on the ABC News web-site, which is headlined "Senator Reid Used Campaign Money for Christmas Bonuses," By John Solomon, The Associated Press, October 17, 2006. The news report is available at www.examiner.com/a-347584~Reid_Used_Campaign_Money-for-Bonuses.html.

² Exhibit "B" attached hereto is a true and genuine copy of the signature page of the 2002 Year-End Report of Friends of Harry Reid and the relevant page from Schedule B of the Report showing the disbursement to "REC Employee Holiday Fund" on November 19, 2002.

Schedule B of the committee's 2005 Year-End Report shows a payment of \$1,500 to REC Employee Holiday Fund on November 17, 2005, which was reported as "salary."⁴

LEGAL ANALYSIS

As explained below, the foregoing facts establish that federal campaign funds were unlawfully converted to the personal use of Senator Harry Reid, and that the matter was covered up by misreporting the payments as legitimate disbursements for "contributions" and "salary."

A. <u>Unlawful Conversion of Campaign Funds to Personal Use</u>

FECA generally prohibits the conversion of campaign funds to "personal use." 2 U.S.C. § 439a(b)(1). Specifically, FECA states that campaign funds are "converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office." 2 U.S.C. § 439a(b)(2).

The Commission's regulations implementing FECA's prohibition on personal use of campaign funds include a non-exhaustive list of expenditures that qualify as <u>per se</u> violations of the personal use prohibitions. Among them is a prohibition against using campaign funds to pay the mortgage, rent or utility payments "for any part of any

³ Exhibit "C" attached hereto is a true and genuine copy of the signature page of the 2004 Year-End Report of Friends of Harry Reid and the relevant page from Schedule B of the Report showing the disbursement to "REC Employee Holiday Fund" on November 30, 2004.

⁴ Exhibit "D" attached hereto is a true and genuine copy of the signature page of the 2005 Year-End Report of Friends of Harry Reid and the relevant page from Schedule B of the Report showing the disbursement to "REC Employee Holiday Fund" on November 17, 2005.

personal residence of the candidate or a member of the candidate's family." 11 CFR \S 113.1(1)(i)(E)(I). The regulations further provide:

The Commission will determine, on a case-by-case basis, whether other uses of funds in a campaign account fulfill a commitment obligation or expense that would exist irrespective of the candidate's campaign or duties as a Federal officeholder, and therefore are personal use."

11 CFR § 113.1(g)(1)(ii).

The payments of \$600 in 2002, \$1,200 in 2004 and \$1,500 in 2005 to REC

Employee Holiday Fund may well qualify as per se violations of the personal use

prohibitions do to their direct relationship to Senator Reid's use of the Ritz-Carlton

condominium as his personal residence. But even if these payments do not technically

qualify as per se violations of the personal use prohibitions they are of such similar

character to per se violations that the Commission should have little difficulty in

concluding that they were for an expense that would exist irrespective of Senator Reid's

campaign for public office or his duties as a Federal officeholder, and therefore are

prohibited personal use payments. On their face, these expenditures appear to arise

solely out of Senator Reid's use of the Ritz-Carlton as his personal residence, and have

no legitimate campaign-related purpose. They are the functional equivalent of paying

holiday bonuses to domestic employees such as a butler or a maid, and are clearly the

type of expenses that one would incur irrespective of his or her status as a candidate or

Federal office holder.

The payments at issue also fall well outside the scope of the regulation that allows the use of campaign funds to make gifts and donations "of nominal value" on a special occasions such as a holiday, graduation, marriage, retirement or death." See 11 CFR § 113.1(g)(4).

When this narrow exception to the general prohibition against personal use was promulgated, the Commission explained that rule "allows a committee to use campaign funds to benefit constituents or supporters on certain occasions without violating the personal use prohibition." 60 Fed. Reg. 7,862, 7,870 (Feb. 9, 1995). The rule "allow[s] a committee to use campaign funds to send flowers to a constituent's funeral without violating the personal use prohibition," because candidates and officeholders frequently send small gifts to constituents and supporter on special occasions as gestures of sympathy or good will, and that such an expense would not exist irrespective of the candidate's or officeholder's status." Id. But the Commission stressed "the exception does not cover gifts that are of more than nominal value." Id.

Bonuses and Christmas gifts for the support staff who maintain a U.S. Senator's personal residence in no way compare to sending flowers or token gifts to constituents or supporters. Moreover, the amounts involved -- \$600, \$1,200 and \$1,500 – are clearly in excess of "nominal value." In short, the payments at issue here do not qualify for the nominal value gifts exception; instead, they clearly qualify as unlawful personal uses of campaign funds by Senator Reid.

B. False Reporting

FECA and the Commission's implementing regulations require the Treasurer of an authorized committee to accurately report the receipts and disbursements of the committee. 2 U.S.C. § 434(a); 11 CFR § 104.1(a). Besides identifying the recipient of any disbursement aggregating in excess of \$200, the reports are to include the "date, amount, and purpose of any such disbursement." 11 CFR § 104.3(B)(4)(i) and (vi). A

committee's assistant treasurer is authorized to file the required reports if the treasurer is "unavailable." 11 CFR § 102.7(a).

On or about January 31, 2003, Maile Reid, who at the time served as Assistant Treasurer of Friends of Harry Reid, filed the committee's Year-End Report for the year ending December 31, 2002, which falsely reported that the November 11, 2002 disbursement made to "REC Employee Holiday Fund" in the amount of \$600 was for the purpose of "Contributions," when in fact the disbursement constituted an unlawful personal use of campaign funds by Senator Reid.

On or about January 31, 2005, Holly Giarraputo, the Assistant Treasurer of Friends of Harry Reid, filed the committee's Year-End Report for the year ending December 31, 2004, which falsely reported that the November 30, 2004 disbursement made to "REC Employee Holiday Fund" in the amount of \$1,200 was for the purpose of "Salary," when in fact the disbursement constituted an unlawful personal use of campaign funds by Senator Reid.

On or about January 31, 2006, Holly Giarraputo, the Assistant Treasurer of Friends of Harry Reid, filed the committee's End of Year Report for the year ending December 31, 2005, which falsely reported that the November 17, 2005 disbursement made to "REC Employee Holiday Fund" in the amount of \$1,500 was for the purpose of "Salary," when in fact the disbursement constituted an unlawful personal use of campaign funds by Senator Reid.

Although he did not sign any of the reports at issue in this Complaint, Cliff

Beadle was and is the Treasurer of Friends of Harry Reid when the disbursements at issue
in this complaint were made and when the reports at issue herein were filed. As

Treasurer of the committee, Mr. Beadle is legally responsible for ensuring the lawful disbursement of the committee's funds, as well as the filing of timely, accurate and complete disclosure reports with the Commission. As documented herein at least three payments were made during Mr. Beadle's tenure that constitute unlawful conversion of campaign funds to personal use, and at least three reports filed during his tenure containing false and misleading information concerning the purpose of disbursements made to "REC Employee Holiday Fund."

CONCLUSION

For the reasons set forth herein, the Commission should forthwith make a finding of reason to believe that Friends of Harry Reid, Harry Reid, Cliff Beadle, Maile Reid and Holly Giarraputo have violated FECA, and open an official investigation into the matters addressed herein.

Respectfully Submitted,

Michael Boos

Vice President & General Counsel

Citizens United

1006 Pennsylvania Ave., SE Washington, DC 20003

Tel. 202-547-5420

Fax. 202-547-5421

e-mail: michaelboos@citizensunited.org

DECLARATION UNDER OATH

Under penalty of perjury, Michael Boos hereby declares that to the best of his knowledge, information and belief, the statements contained in the foregoing complaint are true.

Sylorn to pursuant to 18 U.S.C. § 1001.

Michael Boos

City of Washington, DC

The foregoing instrument was subscribed and sworn before me this <u>IS</u> day of October 2006 by

munacy 500s

Notary Public

My Commission expires 03.31-08

Send to Printer

<< Back to Article



POLITICS

Reid Used Campaign Money for Bonuses



(AP Photo/Nati Harnik, FILL)
Senate nimonity leader Harry
Reid, D Nev speaks at a news
conference in Omaha, Neb in this :
Jan 12, 2005 file photo Reid
announced Monday, Oct 16,
2006 he is amending his ethics
reports to Congress to more fully
account for a Las Vegas land deal
that allowed him to collect \$1.1
million for property he hadn't
personally owned for three years

By JOHN SOLOMON, The Associated Press Oct 17, 2006 8:26 AM (1 day ago)
Current rank: # **3,489** of 7,355 articles

WASHINGTON - Senate Democratic leader Harry Reid has been using campaign donations instead of his personal money to pay Christmas bonuses for the support staff at the Ritz-Carlton where he lives in an upscale condominium. Federal election law bars candidates from converting political donations for personal use.

Questioned about the campaign expenditures by The Associated Press, Reid's office said Monday his lawyers had approved them but he nonetheless was personally reimbursing his campaign for the \$3,300 he had directed to the staff holiday fund at his residence.

Reid also announced he was amending his ethics reports to **Congress** to more fully account for a Las Vegas land deal, highlighted in an AP story last week, that allowed him to collect \$1.1 million in 2004 for property he hadn't personally owned in three years.

In that matter, the senator hadn't disclosed to Congress that he first sold land to a friend's limited liability company back in 2001 and took an ownership stake in the company. He collected the seven-figure payout when the company sold the land again in 2004 to others.

Reid portrayed the 2004 sale as a personal sale of land, not mentioning the company's ownership or its role in the sale.

Reid said his amended ethics reports would list the 2001 sale and the company, called Patrick Lane LLC. He said the amended reports also would divulge two other smaller land deals he had failed to report to Congress.

"I directed my staff to file amended financial disclosure forms noting that in 2001, I transferred title to the land to a Limited Liability Corporation," Reid said in a statement issued by his office.

He said he believed the 2001 sale did not alter his ownership of the land but that he agreed to file the amended reports because "I believe in ensuring all facts come to light."

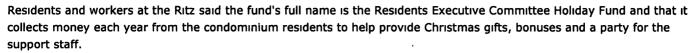
Reid labeled the AP story as the "latest attempt" by Republicans to affect the election. AP reported last week that it learned of the land deal from a former Reid adviser who had concerns about the way the deal was reported to Congress.

On the Ritz-Carlton holiday donations, Reid gave \$600 in 2002, then \$1,200 in 2004 and \$1,500 in 2005 from his re-election campaign to an entity listed as the REC Employee Holiday Fund. His campaign listed the expenses as campaign "salary" for two of the years and as a "contribution" one year.

Reid's office said the listing as salary was a "clerical error" and that the use of campaign money for the residential fund was approved by his lawyers. "I am reimbursing the campaign from my own pocket to prevent this issue from being used in the current campaign season to deflect attention from Republican failures," he said.

EXHIBIT "A"





Federal election law permits campaigns to provide "gifts of nominal value" but prohibits candidates from using political donations for personal expenses, such as mortgage, rent or **utilities** for "any part of any personal residence."

The law specifically defines prohibited personal use expenses as any "obligation or expense of any person that would exist irrespective of the candidate's campaign or duties as a federal officeholder."

Land deeds show Reid and his wife, Landra, purchased a condominium for their **Washington** residence at the hotel for \$750,000 in March 2001. The holiday fund has existed for years at the condo, workers said.

Reid said Monday he believed the expenses were permissible but he nonetheless was reimbursing the campaign.

"These donations were made to thank the men and women who work in the building for the extra work they do as a result of my political activities, and for helping the security officers assigned to me because of my Senate position," Reid said.

Larry Noble, the Federal Election Commission's former chief enforcement lawyer, said Reid's explanation is aimed at a "gray area" in the law by suggesting the donations were tied to his official Senate and political work.

"What makes this harder for the senator is that this is his personal residence and this looks like an event that everybody else at the residence is taking out of their personal money as they're living there," Noble said.

Back in 2000, Congress rebuked powerful House Transportation Committee Chairman Bud Shuster, R-Pa., for among other things creating the appearance, through poor record-keeping, that campaign committee expenditures were for personal rather than bona fide campaign uses.

On the land dealings, Reid announced Monday he had failed to disclose two other transactions on his prior ethics reports and would account for those on his amended reports along with the 2001 sale.

The first, he said, involved the sale in 2004 of about one-third acre of land in 2004 he owned in his hometown of Searchlight, Nev. And he said he had not reported his ownership since 1985 of a quarter acre of land his brother gave him in 1985.

Reid said the failure to disclose those transactions previously was due to "clerical errors" and they amounted to "two minor matters that were inadvertently left off my original disclosure forms."

He had asked the Senate Ethics Committee last Wednesday for an opinion on the 2001 land sale but decided to amend his forms prior to the committee acting.

Reid's announcement came after numerous newspapers nationwide published editorials criticizing both his initial failure to disclose the full details of his Las Vegas land deal and his response to AP's story.

The \$1.1 million land deal was engineered by Jay Brown, a longtime friend and former casino lawyer whose name surfaced in a major political bribery trial this summer and in other prior organized crime investigations. Brown has never been charged with wrongdoing, except for a 1981 federal securities complaint that was settled out of court.

Ethics experts told AP that Reid's inaccurate **accounting** of the deal to Congress appeared to violate Senate ethics rules and raised other issues concerning taxes and potential gifts.

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FORM 3

REPORT OF RECEIPTS AND DEBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

Office Use Only

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Any Information copied from such Reports and Statements may not be sold or used by any person for the purpose of solicating contributions or for commercial purposes, other than using the name and address of any political committee to solicit communities from such committee NAME OF COMMITTEE (In Full) Friends for Harry Reid Full Name (Leet, First, Middle Initial) Date of Disbursement NAACP Reorganization Committee 2002 Malling Address 325 South 3rd St , 1-329 State City Zip Code Amount of Each Disbursement this Period NV 89101 Las Vegas 1000.00 Purpose of Disbursement contribution Candidate Name Category MI Type Office Sought House Disbursament For: 떿 _{i.} ['] Gentaal Sonate X Primery Ų. Other (specify) 🗣 President Transaction iD: D618 District: Slate: Full Name (Last, First, Mckilo Initial) Date of Disbursement REC Employee Holiday Fund 2002 Mailing Address 1150 22nd St., NW City State Zin Code Amount of Each Disbursement this Period Washington DC 20037 800.0Ď Purpose of Disbursement Contributions Candidale Name Category Турф Office Sought Disbursement For: HOUSE] General Senale X Pfimpp President Other (specify) ¥ Transaction ID: D560 State: Dienia: Full Name (Last, First, Middle Inital) Date of Disbursement Tim Johnson for South Dakota 2002 Q 8 Mailing Address ŌΕ 420 C ST., NE. Lawer Level Chy 5 tele Zip Code Amount of Each Disbursament this Pariod Washington DC. 20002 1000.00 Purpose of Disbursoment Contributions-2002 Candidate Name **Calegory** Турф Office Sought Distursement For HOUSE Senete Primery X General President Other (specify) W Transaction ID: D534 State. District 2600.00 BUSTOTAL of Disbursements This Page (optional) TOTAL This Period (last page this line number only).

REPORT OF RECEIPTS **AND DISBURSEMENTS**

: For An Authorized Committee

SECRETARY OF THE SENAIL

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Contributions Required Uniter Candidate Name Category 11 C.F.R. 400.53 M Турв Ноизе Disbursement For: מומכ Office Sought: Senate X Primary General 10 · President Other (specify) State: District: Ţ Full Name (Lest, First, Middle Initial) Transaction (D: D7397) Pepco Date of Disbursement Ps., O.I Malling Address P.O. Box 97274 City **Štate** Zip Code Amount of Each Disbursement this Period Washington DC 20090-7274 30.78 Purpose of Disbursement Utilities Refund or Disposal of Excess Candidate Name Caleporu Contributions Required Under 11 G.F.R. 400.83 Type Office Sought House Disbursement For: 2010 Senate X Primary General President Other (specify) W State: District: Full Name (Last, First, Middle Initial) Transaction ID: 07178 C. REC Employee Holiday Fund Date of Disbursement Malling Address 1150 22nd St., NW City State Zip Code Amount of Each Diabursement this Period Washington DC 20037 1500.00 Purpose of Disbursement Salary Refund or Disposal of Excess. Candidate Name Contributions Required Under Category 11 C.F.R. 400.53 Турв Office South!: House Disbursement For: 2010 X Pomary Sonata General President Other (specify) District: State: 1536.51 SUBTOTAL of Disbursements This Page (optional) TOTAL This Period (test page this line number only)